

Mail Stop Interference  
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Alexandria, VA 22313-1450  
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Paper 1  
Entered: 23 July 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Gene **Eggleston**, Mitch Hansen,  
Richard Krebs  
Junior Party,  
(Application 09/095,325),

v.

Mihal **Lazaridis**, Gary P. Mousseau  
Senior Party,  
(Patent 6,219,694).

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Patent Interference 105,700 (JL)  
Technology Center 2100

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**DECLARATION – 37 CFR §41.203(d)**

- 1 An interference is declared (35 U.S.C. § 135(a)) between the above-
- 2 identified parties. Details of the application(s), patent (if any), reissue application
- 3 (if any), count and claims designated as corresponding or as not corresponding to
- 4 the count appear in Parts E and F of this DECLARATION.

1           **Part A. Judge managing the interference**

2           Administrative Patent Judge Jameson Lee has been designated to manage the  
3           interference. 37 CFR § 41.104(a).

4           **Part B. Standing order**

5           A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
6           DECLARATION. The STANDING ORDER applies to this interference.

7           **Part C. Initial conference call**

8           A telephone conference call to discuss the interference is set for **10:30 a.m.**  
9           **on September 8, 2009** (the Board will initiate the call).

10           No later than **two business days** prior to the conference call, each party shall  
11           file and serve (SO ¶¶ 10.1 & 105) a list of the motions (37 CFR § 41.120 & 204;  
12           SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

13           A time periods for taking action during the motion phase are set in an order  
14           accompanying this declaration.

15           **Part D. Identification and order of the parties**

16           **Junior Party**

17           Named inventors:           Gene Eggleston, Cary, Illinois  
18    Mitch Hansen, Fox River Grove, Illinois  
19    Richard Krebs, Cary, Illinois

20           Involved Application:    Application 09/095,325, filed June 10, 1998

21           Title:                       Method and Apparatus for Rate Governing  
22    Communications

23           Assignee:                   Motorola, Inc.

1

2 **Senior Party**

3

4 Named Inventors: Mihal Lazaridis, Ontario, Canada  
5 Gary P. Mousseau, Ontario, Canada

6

7 Involved Patent: 6,219,694 issued from Application 09/087,623,  
8 filed May 29, 1998

9

10 Title: System and Method for Pushing Information from  
11 a Host System to a Mobile Data Communication  
12 Device Having a Shared Electronic Address

13

14 Assignee: Research in Motion Limited

15

16 The senior party is assigned exhibit numbers 1001-1999. The junior party is  
17 assigned exhibit numbers 2001-2999. 37 CFR § 41.154(c)(1); SO ¶ 154.2.1. The  
18 senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

19 **Part E. Count and claims of the parties**

20 **Count 1**

21 The count is Claim 60 of Application 09/095,325 or Claim 28 of  
22 Patent 6,219,694.

23 The claims of the parties are:

24 Application 09/095,325: Claims 56-63 and 65

25

26 Patent 6,219,694: Claims 1-36

27

28 The claims of the parties that correspond to Count 1 are:

29 Claims 56-63 and 65 of Application 09/095,325

30

31 Claims 1-36 of Patent 6,219,694

32

33

1  
2        The claims of the parties that do not correspond to Count 1, and therefore are  
3        not involved in the interference, are:

4  
5              Application 09/095,325: None  
6

7              Patent 6,219,694: None  
8

9                      **Benefit**

10        The parties are accorded the following benefit for Count 1:

11              Eggleston Application 08/574,528, filed December 19, 1995.  
12

13              Research in Lazaridis: Application 09/087,623, filed May 29, 1998

14        **Part F. Heading to be used on papers**

      The following heading must be used on all papers filed in this interference,  
      see SO ¶ 106.1.1:

Filed on behalf of: *Party @*

Paper Leave blank

By: *Counsel Name(s) @*

*Address @*

*(@@@) @@@- @@@@ (telephone)*

*(@@@) @@@- @@@@ (facsimile)*

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1                   **Part G. Order form for requesting file copies**

2                   When requesting copies of files, use of SO Form 4 will greatly expedite  
3                   processing of the request. Please attach a copy of Parts D and E of this  
4                   DECLARATION with a hand-drawn circle around the patents and applications for  
5                   which a copy of a file wrapper is requested.

/Jameson Lee/

Administrative Patent Judge

Enc:

Copy of STANDING ORDER  
Copy U.S. Patent 6,219,694  
Copy of claims of Application 09/095,325

cc (via overnight delivery):

Attorney for Eggleston:

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